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7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11	UNITED STATES OF AMERICA)	CV -08-3413	RS
12)		
13	Plaintiff,)	ANSWER OF JOHN & NANCY	
14	vs.)	BENNETTS	
15	JOHN & NANCY BENNETTS, ETAL)		
16	Defendant.)		

17 For their answer to the plaintiff's complaint, defendants, John & Nancy Bennetts,
18 state as follows:

19 **FIRST DEFENSE**

20 1. Defendants admit the allegations contained in paragraphs 1 through 4 in the
21 complaint as they pertain to Jurisdiction and Venue.

22 2. Defendants admit the allegations contained in paragraphs 5 through 8 in the
23 complaint as they pertain to the named defendants in this action.

24 3. Defendants admit the allegation in paragraph 9 of the complaint.

25 4. Defendants admit the allegation in paragraph 10 of the complaint.

26 5. Defendants admit the allegations in paragraph 11 of the complaint.

27 6. Defendants state that they lack the knowledge or information sufficient to form
28 a belief or denial of the allegations contained in paragraph 12 of the complaint, and

Answer

1 therefore deny.

2 7. Defendants admit the allegations contained in paragraph 13 of the complaint.

3 8. Defendants state that they lack the knowledge or information sufficient to form
4 a belief or denial of the allegations contained in paragraph 14 of the complaint, and
5 therefore deny.

6 9. Defendants state that they lack the knowledge or information sufficient to form
7 a belief or denial of the allegations contained in paragraph 15 of the complaint, and
8 therefore deny.

9 10. Defendants state that they lack the knowledge or information sufficient to
10 form a belief or denial of the allegations contained in paragraph 17 of the complaint, and
11 therefore deny.

12 11. Defendants state that they lack the knowledge or information sufficient to
13 form a belief or denial of the allegations contained in paragraph 18 of the complaint, and
14 therefore deny.

15 12. Defendants state that they lack the knowledge or information sufficient to
16 form a belief or denial of the allegations contained in paragraph 19 of the complaint, and
17 therefore deny.

18 13. Defendants admit the allegation in paragraph 20 of the complaint in so far as
19 they are and have been the owners of the property described in paragraph 9 of the
20 complaint and further state that they lack the knowledge or information sufficient to form
21 a belief or denial of the rest of the allegations contained in paragraph 20 of the complaint.

22 14. Defendants deny each and every other allegation in the complaint not
23 specifically admitted herein.

24 **SECOND DEFENSE**

25 15. Defendants state that they have sufficient assets from which the alleged
26 liability could be satisfied without resorting to a foreclosure of the property and that the
27 request for foreclosure should be denied.

28 Answer

THIRD DEFENSE

16. The complaint fails to state a cause of action against these defendants upon which relief can be granted.

WHEREFORE defendants John & Nancy Bennetts request that Court enter judgment denying plaintiff's request for relief, and for all other just and proper relief.

William A. Brandwein,
Attorney for Defendants John and
Nancy Bennetts

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served on the parties herein by mailing true and correct copies of same, postage prepaid, this ____ day of August, 2008, as follows:

Cynthia Stier
Assistant US Attorney, Tax Division
9th FL Federal Building
450 Golden gate Ave, Box 36055
San Francisco, CA 94102

John Davies
Chief Counsel, Franchise Tax Board
State of California
9646 Butterfield Way
Sacramento, CA 95827

Bank of America Corporate Center
100 North Tyron Street
Charlotte, NC 28255

Answer